

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 43, 44, 45, 46, 47, and 48 ZAC - Meeting of August 16, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 43, 44, 45, 46, 47, 48.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas Comedari, Zoning Date: September 21, 1983
FROM: C.E.B.
SUBJECT: Zoning Advisory Committee Meeting August 16, 1983

Item #43 No Comment
Item #44 Standard Comment
Item #45 Standard Comment
Item #46 Standard Comment
Item #47 See Comment
Item #48 See Comment

CEB:es

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 43, Zoning Advisory Committee Meeting of Aug. 16, 1983
Property Owner: Charles M. + Ruth P. Famula
Location: SE/S Flickerwood Road District 7
Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 42
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- (X) Soil percolation tests have been conducted.
{ } The results are valid until _____
{ } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
{ } shall be valid until Sept. 7, 1985
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others The results of the soil percolation tests conducted on this lot have expired. Prior to approval of a Building Permit additional testing will be required. The lot is vacant at this time.

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent Towson, Maryland - 21204

Date: August 15, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 16, 1983

RE: Item No. 43, 44, 45, 46, 47, & 48
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above referenced item numbers have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

IN RE: PETITION ZONING VARIANCES
SE/S of Flickerwood Road,
1,860' S of the centerline
of Mt. Carmel Road - 7th
Election District
Charles M. Famula, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-107-A

FINDINGS OF ACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side and/or rear yard setbacks of 20 feet instead of the required 50 feet. The purpose of their request is to build a new home on the subject property, as more fully described on Petitioners' Exhibit 1.

Petitioner Charles M. Famula appeared and testified. No Protestants appeared.

Testimony indicated, and was uncontested, that the property is zoned R.C.2.

The Petitioners purchased the property in 1982 and need to obtain variances due to the odd shape of the parcel, as is more fully described on Petitioners' Exhibit 1.

The house the Petitioners intend to build, and in which they will reside, would require 20-foot side and/or rear yard setbacks. Although they can build a home which will comply with requisite zoning dimensions, the Petitioner testified that due to the shape and topography, the variances are required. A smaller home apparently would not complement or be in harmony with the neighborhood or satisfy the needs of the Petitioners' family.

The topography of the parcel, which slopes from front to back at a 25° angle and here, the overall flood plain of the area, the drainage and utilities easement running through the parcel, and the placement of the septic system, all mitigate against placement of the house other than where the Petitioners intend, which is toward the front of the property.

Other homes in the area have received similar variances for similar reasons. The Petitioners seek relief from Section 103.3 (1A00.3B.3.), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not to be granted. It has been established that the requirements the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variances requested should be granted.

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of October, 1983, that the Petition for Variances to permit a side yard setback of 20 feet and, if necessary, a rear yard setback of 20 feet, both in lieu of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit, and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. A revised site plan, showing the proposed house with specified setbacks, shall be submitted for approval to the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE October 24, 1983
BY [Signature]
ADMINISTRATIVE ASSISTANT

- 3 -

PETITION FOR VARIANCE
7th Election District

ZONING: Petition for Variance
LOCATION: Southeast side Flickerwood Road, 1,860 ft. South of centerline of Mount Carmel Road
DATE & TIME: Thursday, October 20, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side and/or rear yard setbacks of 20 ft. in lieu of the required 50 ft.

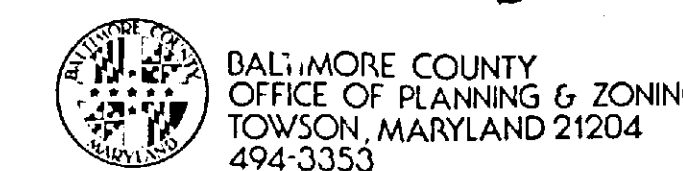
The Zoning Regulation to be excepted as follows:
Section 103.3 (1A00.3B.3) - side and rear yard setbacks in R.C. 2 (R.D.P.) zone

All that parcel of land in the Seventh District of Baltimore County

Being the property of Charles M. Famula, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



ARNOLD JABLON
ZONING COMMISSIONER

October 24, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

IN RE: Petition Zoning Variances
SE/S of Flickerwood Rd., 1,860' S of
the centerline of Mt. Carmel Road - 7th Election District
Charles M. Famula, et ux,
Petitioners
Case No. 84-107-A

Dear Mr. & Mrs. Famula:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

September 23, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

NOTICE OF HEARING

Re: Petition for Variance
SE/S Flickerwood Rd., 1,860' S of
the c/l of Mt. Carmel Road
Charles M. Famula, et ux - Petitioners
Case No. 84-107-A

TIME: 10:00 A.M.

DATE: Thursday, October 20, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 119437

DATE 9-1-83 ACCOUNT 8-21-615-000

AMOUNT 35.27

RECEIVED FROM [Signature]

FOR Advertising & Posting Case #84-107-A

184-115*****356610 8022A

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 13, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

Re: Petition for Variance
SE/S Flickerwood Road, 1,860' S of
c/l of Mt. Carmel Road
Case no. 84-107-A

Dear Mr. & Mrs. Famula:

This is to advise you that \$58.36 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122910

DATE 10-20-83 ACCOUNT 8-01-615-000

AMOUNT 58.36

RECEIVED FROM Charles M. Famula

FOR Advertising & Posting Case #84-107-A

023*****58366 9202A

VALIDATION OR SIGNATURE OF CARRIER

LS3999 p.67

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/3 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES

Cost of Advertisement, \$ 27.36

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th Date of Posting October 3, 1983

Posted for: Variances

Petitioner: Charles M. Famula, et ux

Location of property: SE/S of Flickerwood Road, 1,860' S of the c/l of Mt. Carmel Road

Location of Signage: SE/S of Flickerwood Road, approx. 1/2 mi. South of Mt. Carmel Road, between c/l of Mt. Carmel Road and Flickerwood Road

Remarks: [Blank]

Posted by: A. J. Jablon Date of return: October 7, 1983

Number of Signs: 2

PETITION FOR VARIANCE
7th Election District

ZONING: Petition for Variance
LOCATION: Southeast side Flickerwood Road, 1,860 ft. South of centerline of Mount Carmel Road
DATE & TIME: Thursday, October 20, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side and/or rear yard setbacks of 20 ft. in lieu of the required 50 ft.

The Zoning Regulation to be excepted as follows:
Section 103.3 (1A00.3B.3) - side and rear yard setbacks in R.C. 2 (R.D.P.) zone

All that parcel of land in the Seventh District of Baltimore County

Being the property of Charles M. Famula, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order of ARNOLD JABLON, Zoning Commissioner of Baltimore County

Sept. 28

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 22, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ of one time ~~successive weeks~~ before the 20th day of Sept, 1983, the ~~first~~ publication appearing on the 22th day of September, 1983.

THE JEFFERSONIAN

[Signature]
Manager

Cost of Advertisement, \$ 21.00

Plat for Zoning variances

Owner - Flickerwood Estates, Inc.

District - 7th Zoned RC-2

Plat of "Flickerwood"

Book No. 40 Folio 19

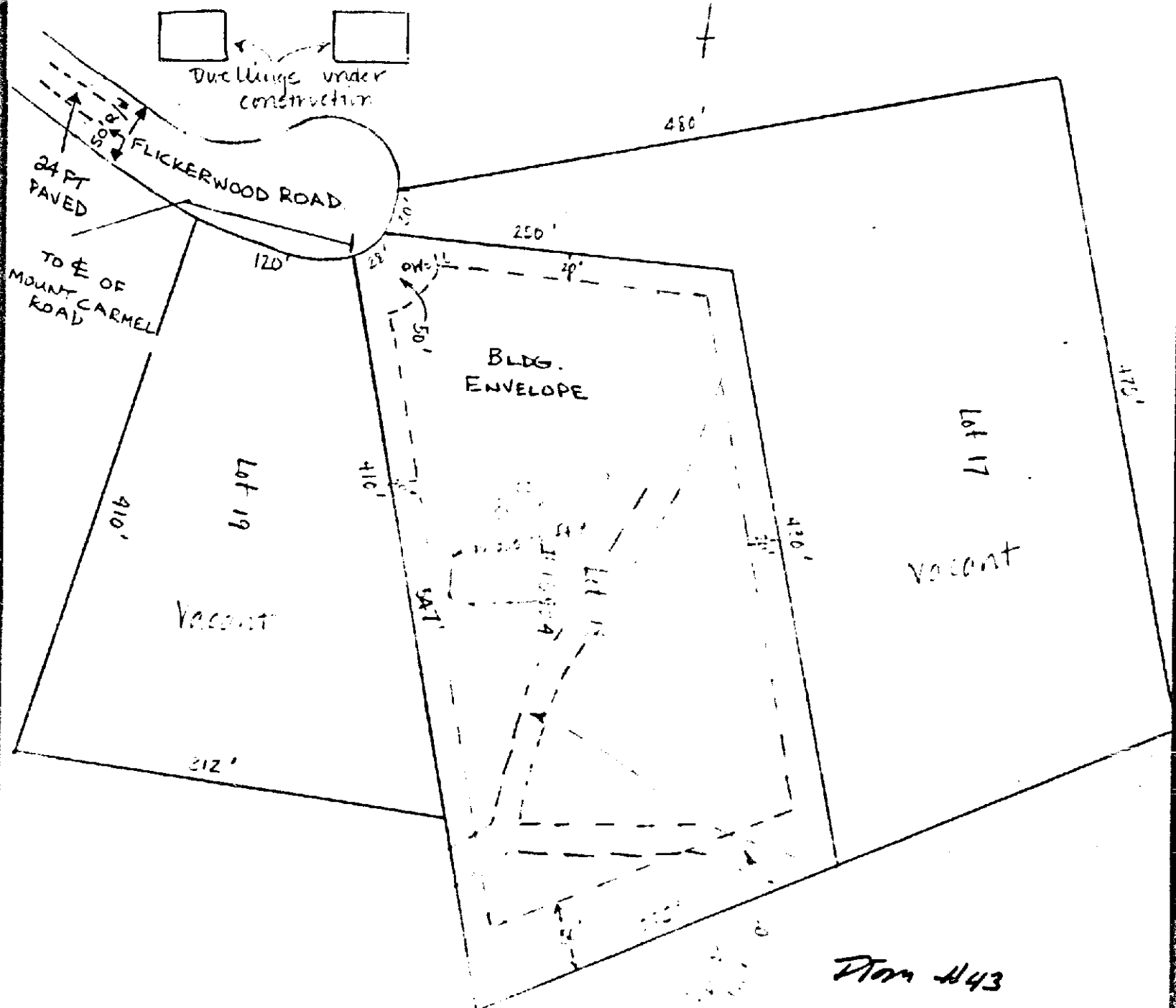
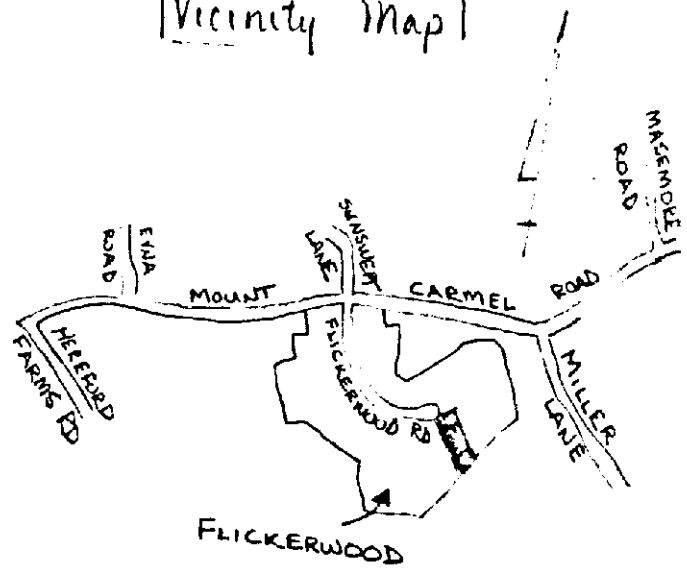
Lots 17, 18, & 19

Scale 1" = 100'

PETITIONER'S EXHIBIT 1

[Vicinity Map]

MAP:	VE
DATE:	11/11/11
ELECTOR:	7
D.T.:	8/9
TYPE:	A
BY:	11/11
FINAL:	
BY:	



Plan H43

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 43, 44, 45, 46, 47, and 48 ZAC - Meeting of August 16, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 43, 44, 45, 46, 47, 48.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas Comedari, Zoning Date: September 21, 1983
FROM: C.E.B.
SUBJECT: Zoning Advisory Committee Meeting August 16, 1983

Item #43 No Comment
Item #44 Standard Comment
Item #45 Standard Comment
Item #46 Standard Comment
Item #47 See Comment
Item #48 See Comment

CEB:es

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 43, Zoning Advisory Committee Meeting of Aug. 16, 1983
Property Owner: Charles M. + Ruth P. Famula
Location: SE/S Flickerwood Road District 7
Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
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- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 42
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- (X) Soil percolation tests have been conducted.
{ } The results are valid until _____
{ } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
{ } shall be valid until Sept. 7, 1985
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others The results of the soil percolation tests conducted on this lot have expired. Prior to approval of a Building Permit additional testing will be required. The lot is vacant at this time.

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent Towson, Maryland - 21204

Date: August 15, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 16, 1983

RE: Item No. 43, 44, 45, 46, 47, & 48
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above referenced item numbers have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

IN RE: PETITION ZONING VARIANCES
SE/S of Flickerwood Road,
1,860' S of the centerline
of Mt. Carmel Road - 7th
Election District
Charles M. Famula, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-107-A

FINDINGS OF ACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side and/or rear yard setbacks of 20 feet instead of the required 50 feet. The purpose of their request is to build a new home on the subject property, as more fully described on Petitioners' Exhibit 1.

Petitioner Charles M. Famula appeared and testified. No Protestants appeared. Testimony indicated, and was uncontested, that the property is zoned R.C.2. The Petitioners purchased the property in 1982 and need to obtain variances due to the odd shape of the parcel, as is more fully described on Petitioners' Exhibit 1. The house the Petitioners intend to build, and in which they will reside, would require 20-foot side and/or rear yard setbacks. Although they can build a home which will comply with requisite zoning dimensions, the Petitioner testified that due to the shape and topography, the variances are required. A smaller home apparently would not complement or be in harmony with the neighborhood or satisfy the needs of the Petitioners' family.

The topography of the parcel, which slopes from front to back at a 25° angle and here, the overall flood plain of the area, the drainage and utilities easement running through the parcel, and the placement of the septic system, all mitigate against placement of the house other than where the Petitioners intend, which is toward the front of the property.

Other homes in the area have received similar variances for similar reasons. The Petitioners seek relief from Section 103.3 (1A00.3B.3.), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not to be granted. It has been established that the requirements the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variances requested should be granted.

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of October, 1983, that the Petition for Variances to permit a side yard setback of 20 feet and, if necessary, a rear yard setback of 20 feet, both in lieu of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit, and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. A revised site plan, showing the proposed house with specified setbacks, shall be submitted for approval to the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE October 24, 1983
BY [Signature]
ADMINISTRATIVE ASSISTANT

- 3 -

PETITION FOR VARIANCE
7th Election District

ZONING: Petition for Variance
LOCATION: Southeast side Flickerwood Road, 1,860 ft. South of centerline of Mount Carmel Road
DATE & TIME: Thursday, October 20, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side and/or rear yard setbacks of 20 ft. in lieu of the required 50 ft.

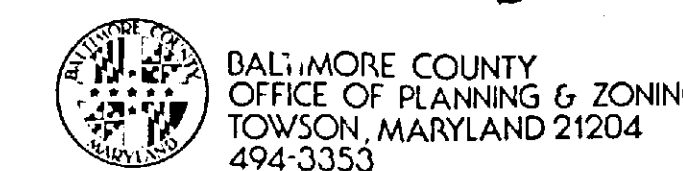
The Zoning Regulation to be excepted as follows:
Section 103.3 (1A00.3B.3) - side and rear yard setbacks in R.C. 2 (R.D.P.) zone

All that parcel of land in the Seventh District of Baltimore County

Being the property of Charles M. Famula, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



ARNOLD JABLON
ZONING COMMISSIONER

October 24, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

IN RE: Petition Zoning Variances
SE/S of Flickerwood Rd., 1,860' S of
the centerline of Mt. Carmel Road - 7th Election District
Charles M. Famula, et ux,
Petitioners
Case No. 84-107-A

Dear Mr. & Mrs. Famula:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

September 23, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

NOTICE OF HEARING

Re: Petition for Variance
SE/S Flickerwood Rd., 1,860' S of
the c/l of Mt. Carmel Road
Charles M. Famula, et ux - Petitioners
Case No. 84-107-A

TIME: 10:00 A.M.

DATE: Thursday, October 20, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 119437

DATE 9-1-83 ACCOUNT 84-107-000

AMOUNT 35.00

RECEIVED FROM [Signature]

FOR Advertising & Posting Case #84-107-A

184-115*****356610 8022A

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 13, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

Re: Petition for Variance
SE/S Flickerwood Road, 1,860' S of
c/l of Mt. Carmel Road
Case no. 84-107-A

Dear Mr. & Mrs. Famula:

This is to advise you that \$58.36 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122910

DATE 10-20-83 ACCOUNT 84-107-000

AMOUNT 58.36

RECEIVED FROM Charles M. Famula

FOR Advertising & Posting Case #84-107-A

023*****583610 9202A

VALIDATION OR SIGNATURE OF CARRIER

LS3999 p.67

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/3 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES

Cost of Advertisement, \$ 27.36

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th Date of Posting October 3, 1983

Posted for: Variances

Petitioner: Charles M. Famula, et ux

Location of property: SE/S of Flickerwood Road, 1,860' S of the c/l of Mt. Carmel Road

Location of Signage: SE/S of Flickerwood Road, approx. 1/2 mi. South of Mt. Carmel Road, between c/l of Mt. Carmel Road and Flickerwood Road

Remarks: [Signature]

Posted by: [Signature]

Date of return: October 7, 1983

Number of Signs: 2

PETITION FOR VARIANCE
7th Election District

ZONING: Petition for Variance
LOCATION: Southeast side Flickerwood Road, 1,860 ft. South of centerline of Mount Carmel Road
DATE & TIME: Thursday, October 20, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side and/or rear yard setbacks of 20 ft. in lieu of the required 50 ft.

The Zoning Regulation to be excepted as follows:
Section 103.3 (1A00.3B.3) - side and rear yard setbacks in R.C. 2 (R.D.P.) zone

All that parcel of land in the Seventh District of Baltimore County

Being the property of Charles M. Famula, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order of ARNOLD JABLON, Zoning Commissioner of Baltimore County

Sup. of

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 22, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ of one time ~~successive weeks~~ before the 20th day of Sept, 1983, the ~~first~~ publication appearing on the 22th day of September, 1983.

THE JEFFERSONIAN

[Signature]
Manager.

Cost of Advertisement, \$ 21.00

Plat for Zoning variances

Owner - Flickerwood Estates, Inc.

District - 7th Zoned RC-2

Plat of "Flickerwood"

Book No. 40 Folio 19

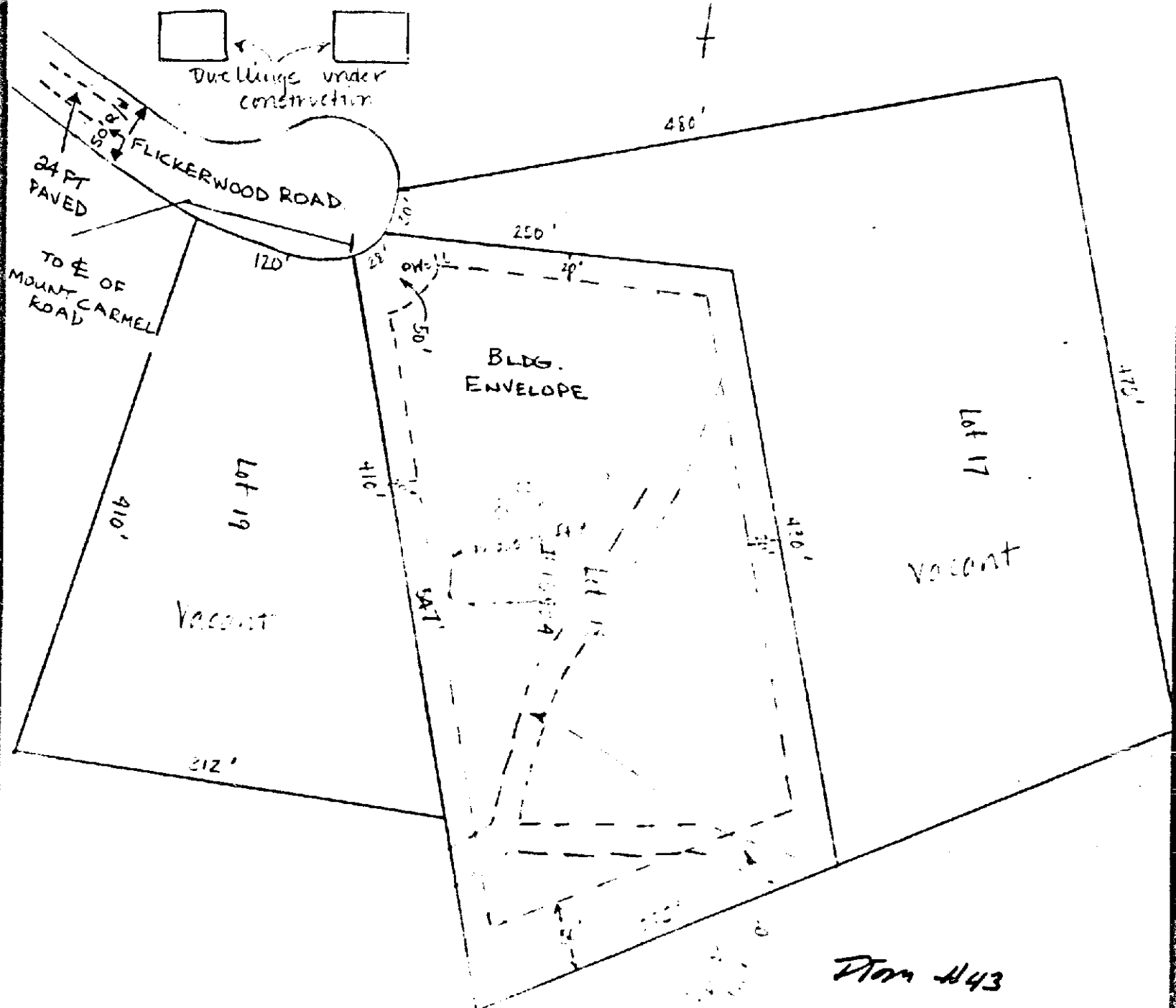
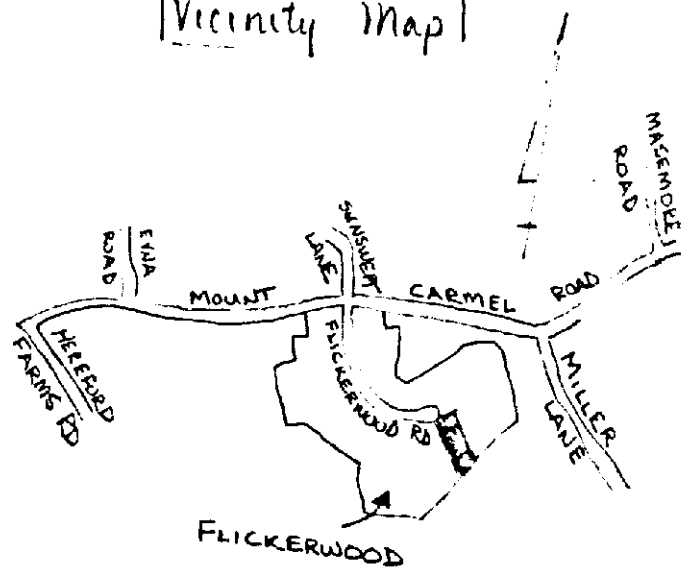
Lots 17, 18, & 19

Scale 1" = 100'

PETITIONER'S EXHIBIT 1

[Vicinity Map]

MAP:	VE
DATE:	11/11/11
ELECTOR:	7
D.T.:	8/9
TYPE:	A
BY:	11/11
FINAL:	
BY:	



Plan H43

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 43, 44, 45, 46, 47, and 48 ZAC - Meeting of August 16, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 43, 44, 45, 46, 47, 48.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas Comedari, Zoning Date: September 21, 1983
FROM: C.E.B.
SUBJECT: Zoning Advisory Committee Meeting August 16, 1983

Item #43 No Comment
Item #44 Standard Comment
Item #45 Standard Comment
Item #46 Standard Comment
Item #47 See Comment
Item #48 See Comment

CEB:es

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 43, Zoning Advisory Committee Meeting of Aug. 16, 1983
Property Owner: Charles M. + Ruth P. Famula
Location: SE/S Flickerwood Road District 7
Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 42
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- (X) Soil percolation tests have been conducted.
{ } The results are valid until _____
{ } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
{ } shall be valid until Sept. 7, 1985
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others The results of the soil percolation tests conducted on this lot have expired. Prior to approval of a Building Permit additional testing will be required. The lot is vacant at this time.

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent Towson, Maryland - 21204

Date: August 15, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 16, 1983

RE: Item No. 43, 44, 45, 46, 47, & 48
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above referenced item numbers have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

IN RE: PETITION ZONING VARIANCES
SE/S of Flickerwood Road,
1,860' S of the centerline
of Mt. Carmel Road - 7th
Election District
Charles M. Famula, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-107-A

FINDINGS OF ACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side and/or rear yard setbacks of 20 feet instead of the required 50 feet. The purpose of their request is to build a new home on the subject property, as more fully described on Petitioners' Exhibit 1.

Petitioner Charles M. Famula appeared and testified. No Protestants appeared.

Testimony indicated, and was uncontested, that the property is zoned R.C.2.

The Petitioners purchased the property in 1982 and need to obtain variances due to the odd shape of the parcel, as is more fully described on Petitioners' Exhibit 1. The house the Petitioners intend to build, and in which they will reside, would require 20-foot side and/or rear yard setbacks. Although they can build a home which will comply with requisite zoning dimensions, the Petitioner testified that due to the shape and topography, the variances are required. A smaller home apparently would not complement or be in harmony with the neighborhood or satisfy the needs of the Petitioners' family.

The topography of the parcel, which slopes from front to back at a 25° angle and here, the overall flood plain of the area, the drainage and utilities easement running through the parcel, and the placement of the septic system, all mitigate against placement of the house other than where the Petitioners intend, which is toward the front of the property.

Other homes in the area have received similar variances for similar reasons. The Petitioners seek relief from Section 103.3 (1A00.3B.3.), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not to be granted. It has been established that the requirements the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variances requested should be granted.

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of October, 1983, that the Petition for Variances to permit a side yard setback of 20 feet and, if necessary, a rear yard setback of 20 feet, both in lieu of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit, and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. A revised site plan, showing the proposed house with specified setbacks, shall be submitted for approval to the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE October 24, 1983
BY [Signature]
ADMINISTRATIVE ASSISTANT

- 3 -

PETITION FOR VARIANCE

7th Election District

ZONING: Petition for Variance
LOCATION: Southeast side Flickerwood Road, 1,860 ft. South of centerline of Mount Carmel Road
DATE & TIME: Thursday, October 20, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side and/or rear yard setbacks of 20 ft. in lieu of the required 50 ft.

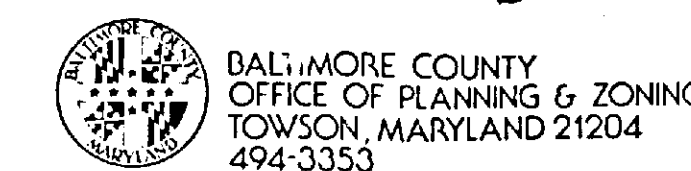
The Zoning Regulation to be excepted as follows:
Section 103.3 (1A00, 3B, 3) - side and rear yard setbacks in R.C. 2 (R.D.P.) zone

All that parcel of land in the Seventh District of Baltimore County

Being the property of Charles M. Famula, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



ARNOLD JABLON
ZONING COMMISSIONER

October 24, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

IN RE: Petition Zoning Variances
SE/S of Flickerwood Rd., 1,860' S of
the centerline of Mt. Carmel Road - 7th Election District
Charles M. Famula, et ux,
Petitioners
Case No. 84-107-A

Dear Mr. & Mrs. Famula:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

September 23, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

NOTICE OF HEARING

Re: Petition for Variance
SE/S Flickerwood Rd., 1,860' S of
the c/l of Mt. Carmel Road
Charles M. Famula, et ux - Petitioners
Case No. 84-107-A

TIME: 10:00 A.M.

DATE: Thursday, October 20, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 119437

DATE 9-1-83 ACCOUNT 8-21-615-000

AMOUNT 35.21

RECEIVED FROM [Signature]

FOR Advertising & Posting Case #84-107-A

184-115*****356610 8022A

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 13, 1983

Mr. & Mrs. Charles M. Famula
44 Kettle Court
Baltimore, Maryland 21207

Re: Petition for Variance
SE/S Flickerwood Road, 1,860' S of
c/l of Mt. Carmel Road
Case no. 84-107-A

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Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122910

DATE 10-20-83 ACCOUNT 8-01-615-000

AMOUNT 58.36

RECEIVED FROM Charles M. Famula

FOR Advertising & Posting Case #84-107-A

023*****583610 9202A

VALIDATION OR SIGNATURE OF CARRIER

LS3999 p.67

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/3 1983
THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES

Cost of Advertisement, \$ 27.36

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th
Posted for: Variances
Petitioner: Charles M. Famula, et ux
Location of property: SE/S of Flickerwood Road, 1,860' S of the c/l of Mt. Carmel Road
Location of Signage: SE/S of Flickerwood Road, approx. 1/2 mi. South of Mt. Carmel Road, between c/l of Mt. Carmel Road and Flickerwood Road
Remarks: [Blank]
Posted by: A. J. Jablon Date of return: October 2, 1983
Number of Signs: 2

PETITION FOR VARIANCE

7th Election District

ZONING: Petition for Variance
LOCATION: Southeast side Flickerwood Road, 1,860 ft. South of centerline of Mount Carmel Road
DATE & TIME: Thursday, October 20, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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All that parcel of land in the Seventh District of Baltimore County

Being the property of Charles M. Famula, et ux, as shown on plat plan filed with the Zoning Department.

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By Order of ARNOLD JABLON, Zoning Commissioner of Baltimore County

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THE JEFFERSONIAN

[Signature]
Manager.

Cost of Advertisement, \$ 21.00

Plat for Zoning variances

Owner - Flickerwood Estates, Inc.

District - 7th Zoned RC-2

Plat of "Flickerwood"

Book No. 40 Folio 19

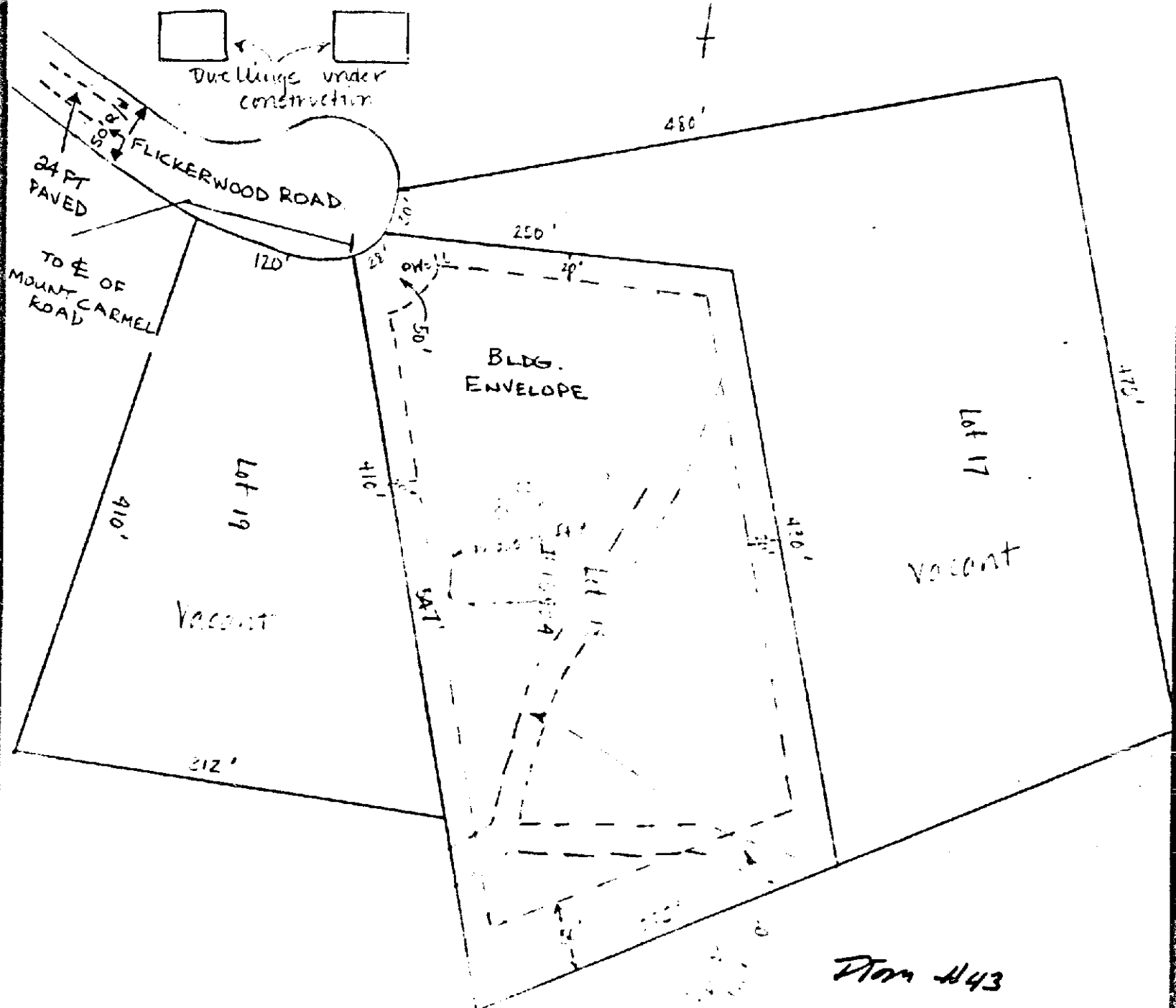
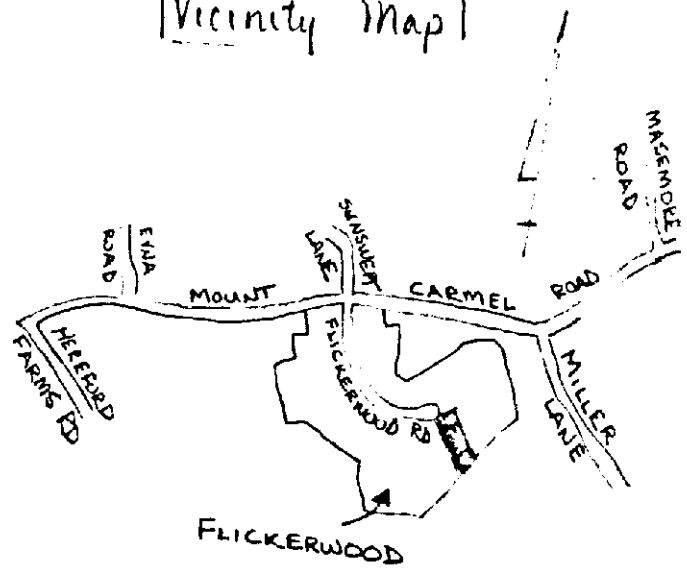
Lots 17, 18, & 19

Scale 1" = 100'

PETITIONER'S EXHIBIT 1

[Vicinity Map]

MAP:	VE
DATE:	11/11/11
ELECTOR:	7
D.T.:	8/9
TYPE:	A
BY:	11/11
FINAL:	
BY:	



Plan H43

